

## **II. REMARKS**

### **Preliminary Remarks**

The applicants would like to thank the examiner for the indication of allowable subject matter in claims 1 to 5, 10 to 14, 18 to 21, 23, and 24.

Upon entry of this Amendment, claims 1 to 27 will be pending, of which claim 1 is independent. Claims 6, 8, 15, 17, 22, and 26 are amended; claim 27 is new. Support for the claim amendments and the new claim can be found in the specification as filed (see, for example, page 15, lines 19 to 20 and page 20, lines 20 to 21). Therefore, the applicants believe that no new matter is added.

This response is filed within the shortened statutory period for response, no fee due, and is accompanied by a Response and Fee Transmittal and a check in the amount of the extra claim fee. The applicants respectfully request reconsideration and allowance of the present application.

### **Patentability Remarks**

#### ***Rejection under 35 U.S.C. 112 –***

Claims 8, 15 to 17, 22, 25, and 26 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The applicants respectfully traverse in view of the preceding claim amendments and succeeding remarks.

- claims 6 and 7 to 9 were rejected for claiming a “(per)fluorinated polymer preferably comprising –SO<sub>3</sub>H and/or –COOH: These claims are amended to remove the term “preferably”.
- claims 8 and 17 were asserted to be incomplete: The applicants respectfully disagree but in order to expedite prosecution, claim 8 is amended to be directed to, *inter alia*, fluorinated monomeric units. Claim 17 is amended to be directed to “a method of separating water from aqueous solutions, by contacting said solutions with the membranes according to claim 1”.

Page 14, lines 17 to 19 of the specification states that a feature of the invention is that an amorphous ionomer is used in the membrane preparation. Further, page

15, lines 6 to 11, states that the membrane porosity can be also controlled, by crosslinking, or also by addition in the composition (emphasis added) of one or more fluoropolymers, such as amorphous and crystalline fluoropolymers, whereas the amorphous polymers added are different from the ionomer of the membrane of the present invention.

In the response filed on March 31, 2004, the applicants have shown that by using membranes having nearly the same content of the ionomer, but using in one membrane a semi-crystalline ionomer instead of an amorphous ionomer, water permeability is very reduced. This shows that, by using a membrane containing a polymer different from an amorphous ionomer, a membrane is obtained that does not have high water permeability or improved water permeability it over those of the prior art.

- claims 15 and 16 were asserted to be unclear: The applicants respectfully disagree but in order to expedite prosecution, these claims are amended to be directed to, *inter alia*, membranes according to claim 1, containing, besides the amorphous ionomer comprising acid hydrophilic groups, one or more amorphous or crystalline (per)fluoropolymers.

The applicants respectfully submit that claims 8, 15 to 17, 22, 25, and 26 are not indefinite under 35 U.S.C. §112, second paragraph, and respectfully request withdrawal of this rejection.

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Inventor(s): Arcella *et al.*  
Attorney Docket No.: 108910-00053


### **III. CONCLUSION**

In view of the amendments and remarks above, the applicants respectfully submit that this application is in condition for allowance and request favorable action thereon.

In the event this response is not timely filed, the applicants hereby petition for an appropriate extension of time. The fee for this extension, along with any other additional fees which may be required with respect to this response, may be charged to Deposit Account No. 01-2300, referencing Attorney Docket No. 108910-00053.

Respectfully submitted,

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